

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-342-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504.2 (V.B.6.b., C.M.R.P.) and 301.1 To permit a 2 foot side yard setback in lieu of the 11.25 feet for an open projection (deck).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
PRACTICAL DIFFICULTY: BUILDER STATED WHILE ON LOT SUCH THAT A REAR OR SIDE DECK COULD BE ADDED WITH A MAXIMUM WIDTH OF ONLY 7 FEET OR 4.75 FEET, RESPECTIVELY. A REAR SETBACK VARIANCE WOULD NOT BE PRACTICAL DUE TO A 10 FOOT EASEMENT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. MAP 114-1

Contract Purchaser: Legal Owner(s): D-1
(Type or Print Name) MITCHELL ALAN FISHBEIN, D-1
Signature: MITCHELL ALAN FISHBEIN, D-1
Address: 602 ACADEMY AVE. 354-5780 (WORK)
City and State: OWINGS MILLS, MD. 21117
Attorney for Petitioner: 354-5780 (HOME)
(Type or Print Name) 602 ACADEMY AVE. 354-5780 (WORK)
Signature: OWINGS MILLS, MD. 21117
Address: 602 ACADEMY AVE. 354-5780 (HOME)
City and State: OWINGS MILLS, MD. 21117
Attorney's Telephone No.: 354-5780 (HOME)
Address: 602 ACADEMY AVE. 354-5780 (WORK)

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of March, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of March, 1990, at 3 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

County this 17th day of March, 1990 that a variance to permit a side yard setback of 6 feet in lieu of the required 11.25 feet for an open projection (deck) be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The relief granted herein is limited to the construction of a deck approximately 10 feet wide in lieu of Petitioner's plans for a 14-foot wide deck. Petitioner shall submit a new site plan depicting the proposed improvements incorporating the modified relief granted herein.
- A landscape plan shall be prepared and submitted for approval by the Baltimore County Landscape Planner and the Deputy Director of Planning prior to the issuance of any permits. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file. The landscaping plan need not be prepared by a professional engineer or planner.
- In lieu of the Office of Planning's recommendations for a 6-foot high stockade fence, the Petitioner shall erect a 6-foot high board on board wooden fence along the front elevation line of the existing dwelling to the rear property line of the subject property. The Petitioner shall assume all responsibility for the maintenance, upkeep, and replacement (if necessary) of said fence. The fence shall be set 1 foot off the subject site property line.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

ZONING DESCRIPTION

Beginning at a point on the north side of Academy Avenue which is 60 feet wide at the distance of 118 feet east of the centerline of the nearest improved intersecting street Lantana Drive which is 30 feet wide. Bein Lot #25, Block C, Section #2 in the subdivision of Timber Grove as recorded in Baltimore County Plat Book #60, Folio #3, containing 0.176 acre. Also known as 602 Academy Avenue and located in the #4 Election District.

IN RE: PETITION FOR ZONING VARIANCE
NE/S Academy Avenue, 118' SE
of the c/l of Lantana Drive
(602 Academy Avenue)
4th Election District
3rd Councilmanic District
Mitchell A. Fishbein, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-342-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mitchell Fishbein, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 602 Academy Avenue, consists of 7,670.82 sq.ft. zoned D.R. 3.5 and is improved with a single family dwelling which was constructed within the past year. Said property is also known as Lot 25 of the Timber Grove subdivision which is currently being developed. Petitioners are desirous of constructing a deck on the southeast side of the existing dwelling approximately 2 feet off the side property line of adjoining Lot 26, which is presently undeveloped. Petitioner contends that due to the layout of the dwelling, its location on the property, and the existence of a drainage and utility easement in the rear yard, the location shown in Petitioner's Exhibit 1 is the most feasible site for the proposed deck. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Subsequent to the hearing held in this matter, the Zoning Commissioner made a site inspection of the subject property.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SIGNATURE AND CERTIFICATION BLOCK

1. I certify that this Final Landscape Plan meets all requirements (check where appropriate):
- ☐ Baltimore County Landscape Manual
 - ☐ Office of Planning Zoning CRG or Waiver No. 90-342-A
 - ☐ Special Exception/Hearing/Variance No.
 - ☐ Rezoning, Documented Site Plan No.

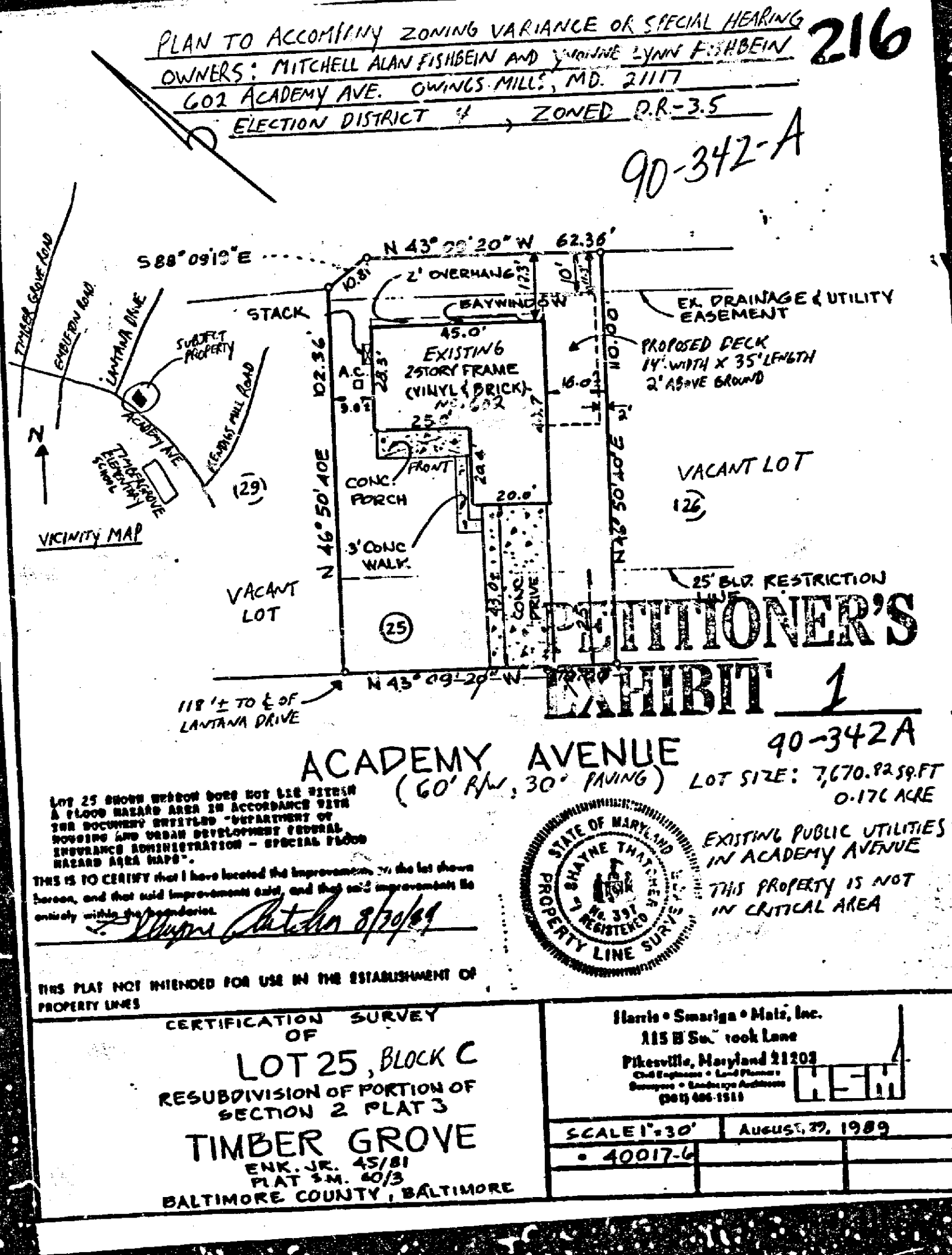
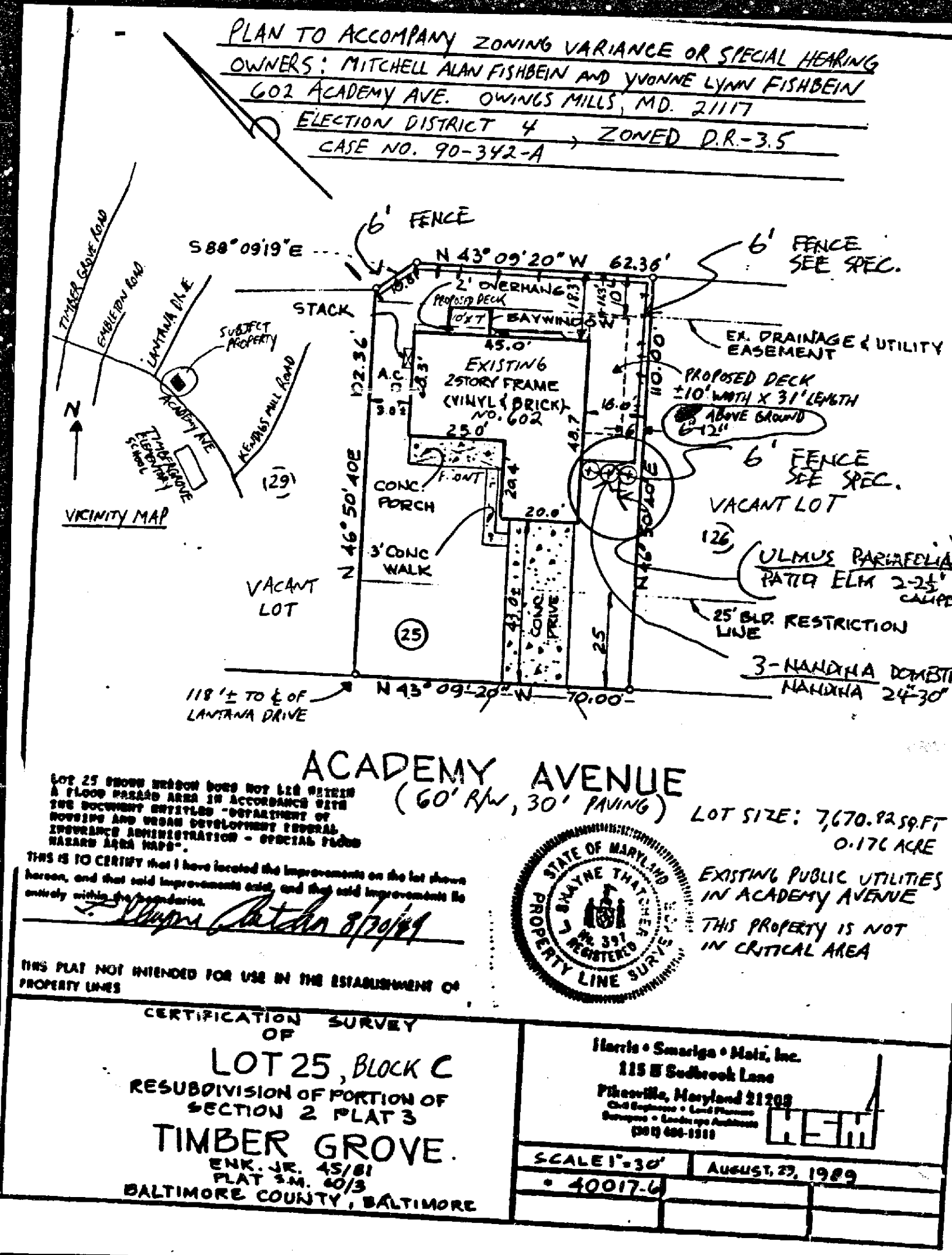
Landscape Architect's Signature: N/A
L.A.'s Name (please print):
Address: City: State: Zip: Phone:

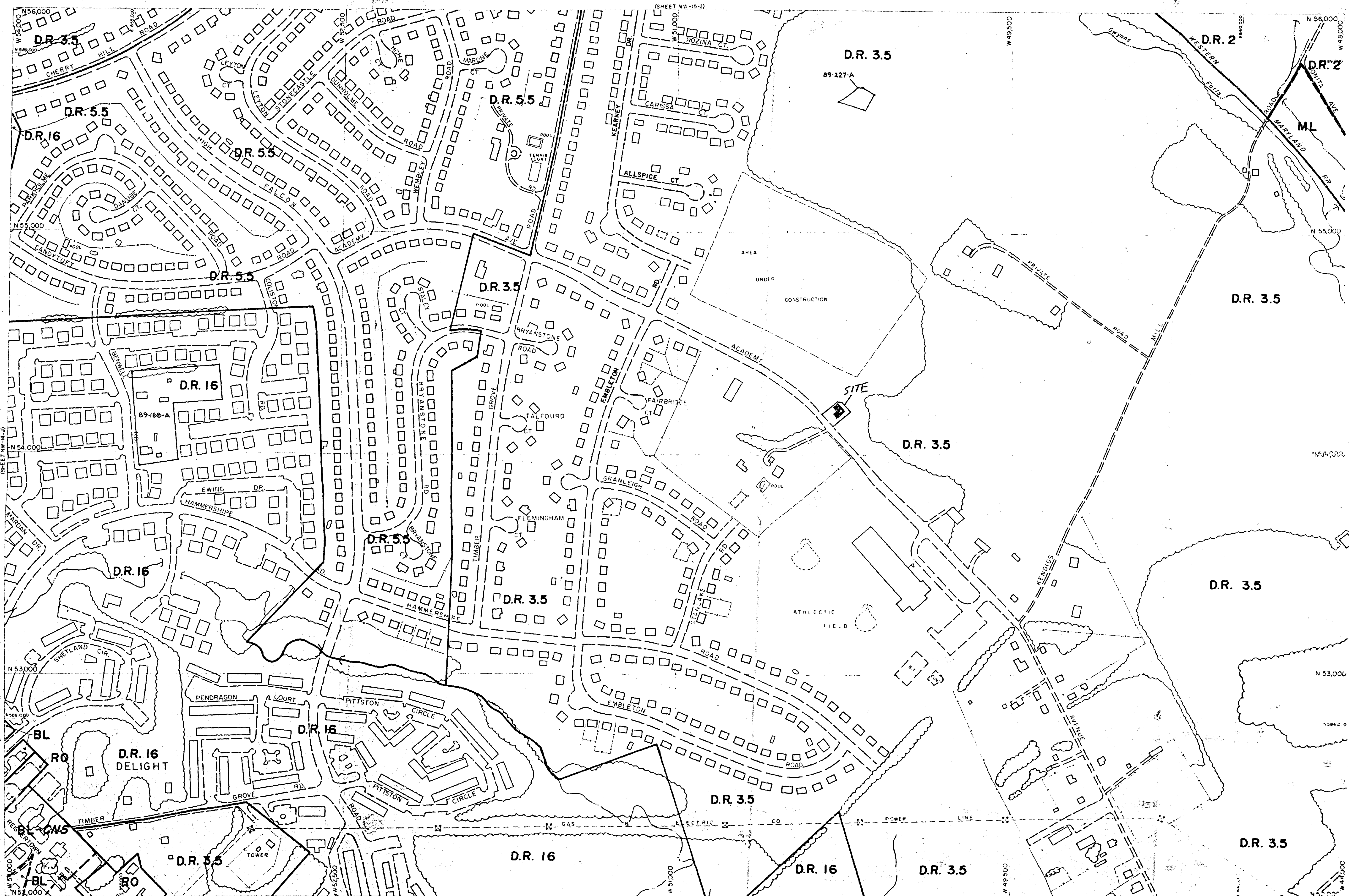
2. "I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to implement this plan and certify to Baltimore County its implementation within one year of approval."

Owner's Signature: Yvonne L. Fishbein
Address: 602 Academy Ave Owings Mills MD 21117
City: State: Zip: 356-5889

3. REVIEWED BY: ghm

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
LANDSCAPE PLAN APPROVED
by Cheryl Hanks
date 5-17-90





1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 149-88, 150-88
 Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION DELIGHT GWYNNBROOK	SHEET NW 14-1 90-342-A 216
DATE OF PHOTOGRAPHY JANUARY 1986		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 2/13/90

Mr. & Mrs. Mitchell Alan Fishbein
602 Academy Avenue
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 90-342-A
NE/5 of Academy Avenue, 118' SE of c/l of Lantana Drive
602 Academy Avenue
4th Election District - 3rd Councilmanic
Petitioner(s): Mitchell Alan Fishbein, et ux
HEARING: THURSDAY, MARCH 8, 1990 at 3:00 p.m.

Dear Petitioners:

Please be advised that \$117.54 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 24, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-342-A
NE/5 of Academy Avenue, 118' SE of c/l of Lantana Drive
602 Academy Avenue
4th Election District - 3rd Councilmanic
Petitioner(s): Mitchell Alan Fishbein, et ux
HEARING: THURSDAY, MARCH 8, 1990 at 3:00 p.m.

Variance: To permit a 2 ft. side yard setback in lieu of the 11.25 ft. for an open projection (deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Fishbein



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 20, 1990

Mr. & Mrs. Mitchell A. Fishbein
602 Academy Avenue
Owings Mills, MD 21117

RE: Item No. 216, Case No. 90-342-A
Petitioner: Mitchell Fishbein, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Fishbein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 17th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Mitchel A. Fishbein, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 23, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Mitchell Alan Fishbein, Item 216

The Petitioner requests a Variance to permit a 1 ft. side yard setback in lieu of the 11.25 ft. for an open projection (deck).
In reference to the Petitioner's request, staff offers the following comments:

This office agrees with the Petitioner's stated hardship that there is not sufficient side or rear yard area to place a deck of reasonable width and that a need for a Variance exists. At this time, however, there is no adjoining homeowner to consider the Petitioner's proposal. Staff recommends a 6 ft. setback be maintained in lieu of the 11.25 ft. setback. In and planted with a vegetative buffer to screen the adjacent lot. In lieu of the 6 ft. buffer, a 2 ft. setback may be maintained provided that a 6 ft. high stockade fence is installed. (see attached)

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
Attachment

JAN 26 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JANUARY 29, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MITCHELL ALAN FISBEIN
Location: NE/5 OF ACADEMY AVENUE
Item No.: 216 Zoning Agenda: JANUARY 16, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Paul H. Reincke 1-30-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 16, 1990.

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 182, 209, 211, 213, 215, 216 and 218.

For Items 214 and 222 the County Review Group Comments for each item still apply.

For Item 217 the County Review Group Comments still apply. There are many discrepancies on the boundary of the storm water management reservation compared to the record plate, and an 8-foot vertical difference in grades between Sections 1 and 2 adjacent to lot 74.

Robert W. Bowling, P.E. Chief
Developers Engineering Division

RWB:s

2/8

February 26, 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
Attention: Julie Winarski

Mr. & Mrs. Mitchell A. Fishbein
602 Academy Avenue
Owings Mills, Maryland 21117
356-5889

Dear Julie Winarski,

I have reviewed the comments from the Zoning Plans Advisory Committee concerning my petition for a variance (Item No. 216, Case No. 90-342-A). At this time, I would like to make the following comments in response to the recommendations from the Office of Planning.

1) I disagree that the lack of a homeowner on the adjacent lot (No. 26) should have a bearing on this petition. The lot is owned by CONTINENTAL LANDMARK, INC. (aka LANDMARK HOMES). LANDMARK HOMES built my home and intends to build a house on lot No. 26. LANDMARK HOMES has the obligation to consider how my petition will affect their to be constructed house.

LANDMARK HOMES is responsible for creating my hardship by siting my house so far back in the yard. They will also be responsible for siting the house on lot No. 26. LANDMARK HOMES has the flexibility to site this house away from my proposed deck and closer to Academy Ave. Since LANDMARK HOMES is aware of my petition and has not, to my knowledge, opposed it, I feel that the petition should be granted without change.

2) I strongly oppose the recommendation that a six foot setback be maintained. A six foot sideyard setback would limit the deck to a maximum width of 10 feet. In my opinion, this is not a reasonable width for a deck.

3) I strongly disagree with the recommendation to screen the entire view of the deck from the adjacent lot. A screen would block the views from my dining room window and kitchen screen would not only isolate my house from lot No. 26 (future 604 Academy Ave.), but also from the backyards of our neighbors at 606, 608, and 612 Academy Ave.

Since LANDMARK HOMES built the above houses with reasonable rear setbacks, approximately 21 feet of the length of my proposed deck would be parallel to their backyards. The house on lot No. 26 should also be built with a reasonable

008 5 0 1990

rear setback. I do not feel it is necessary to screen the view from the backyards of my neighbors.

The only section of my proposed deck that would be reasonable to screen, would be the section that faces a first story side window of the house to be built on lot No. 26. If the future house on lot No. 26 is not built with a first story side window or if the side window faces the undecked side of my house, then a screen should not be required.

4) I also consider the recommended six foot high stockade fence to be an unattractive alternative which would destroy the aesthetics of the deck. The deck would not be of much value to my family if the primary view would be the backside of a stockade fence two feet away.

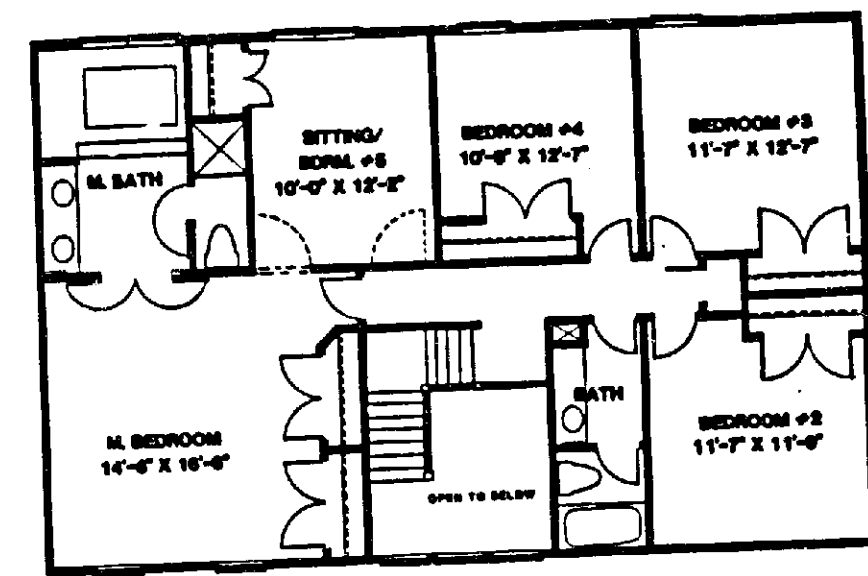
If a screen is appropriate, then the decision to install one should be at the request of the future homeowner. I would like to avoid screening the view from my proposed deck. If the need for a screen cannot be avoided, then I prefer to install a vegetative buffer rather than a stockade fence.

Please consider the above comments when evaluating my petition for variance. My intent is not to create any hardships for my neighbors, but to alleviate my hardship so that my family can enjoy a functional and attractive deck.

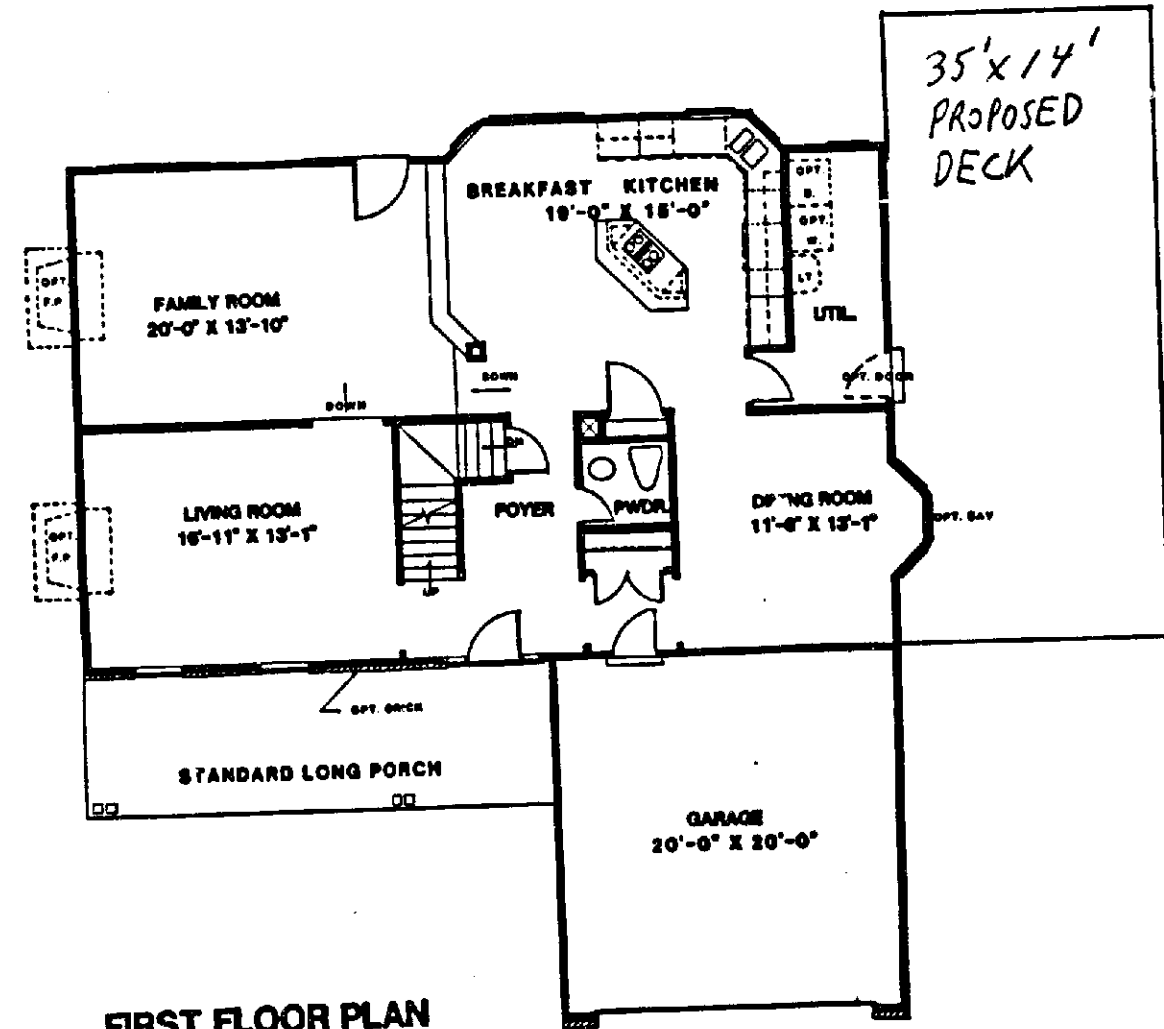
Sincerely yours,

Mitchell A. Fishbein
Mitchell A. Fishbein

ASHLEY BLAIR III



SECOND FLOOR PLAN



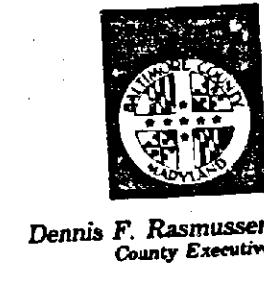
FIRST FLOOR PLAN

STANDARD FULL BASEMENT
ALL DETAILS AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 27, 1990



Mr. & Mrs. Mitchell A. Fishbein
602 Academy Avenue
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
NE/S Academy Avenue, 118' SE of the c/l of Lantana Drive
(602 Academy Avenue)
4th Election District - 3rd Councilmanic District
Witch, M. A. Fishbein, et ux - Petitioners
Case No. 90-342-A

Dear Mr. & Mrs. Fishbein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

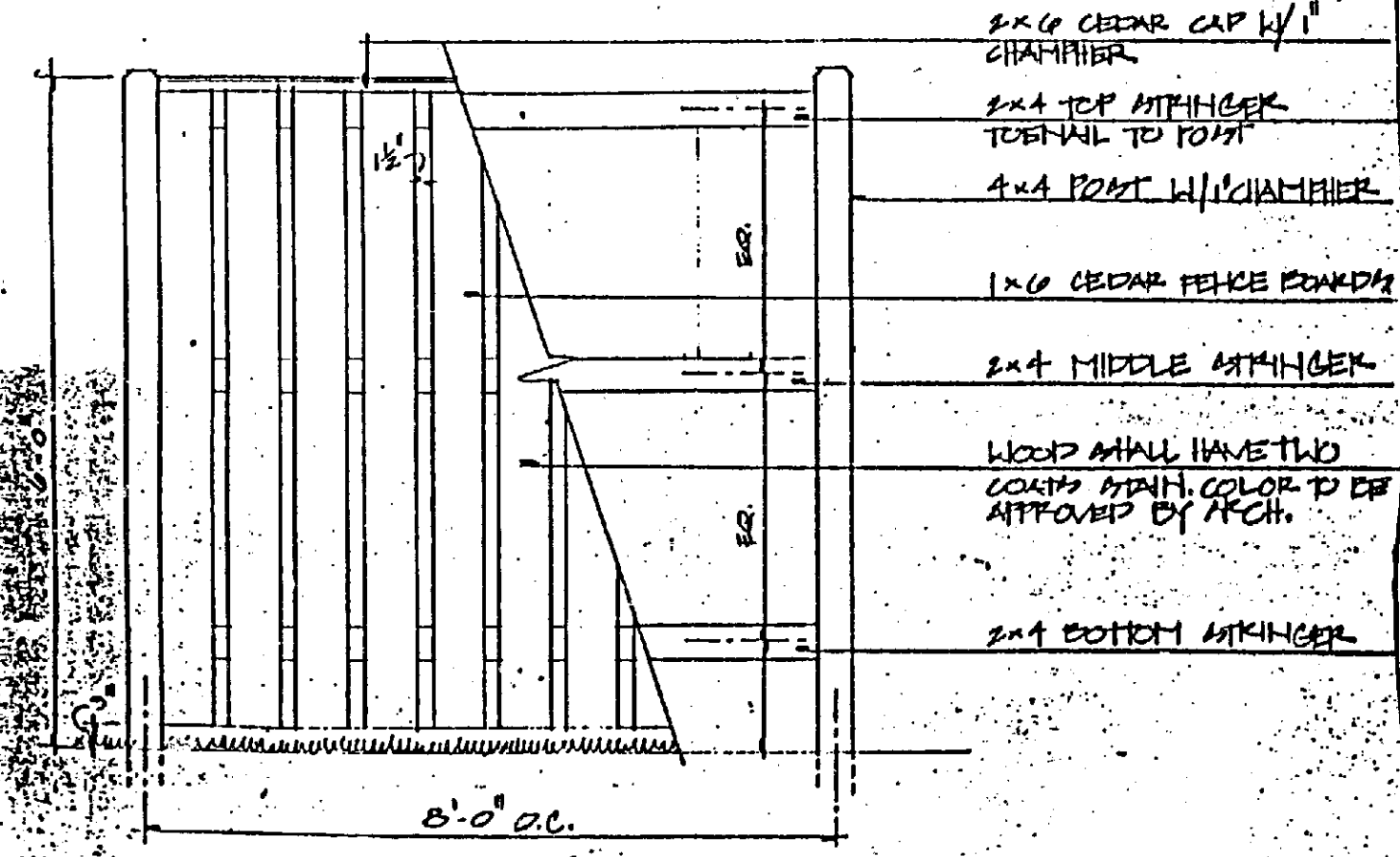
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

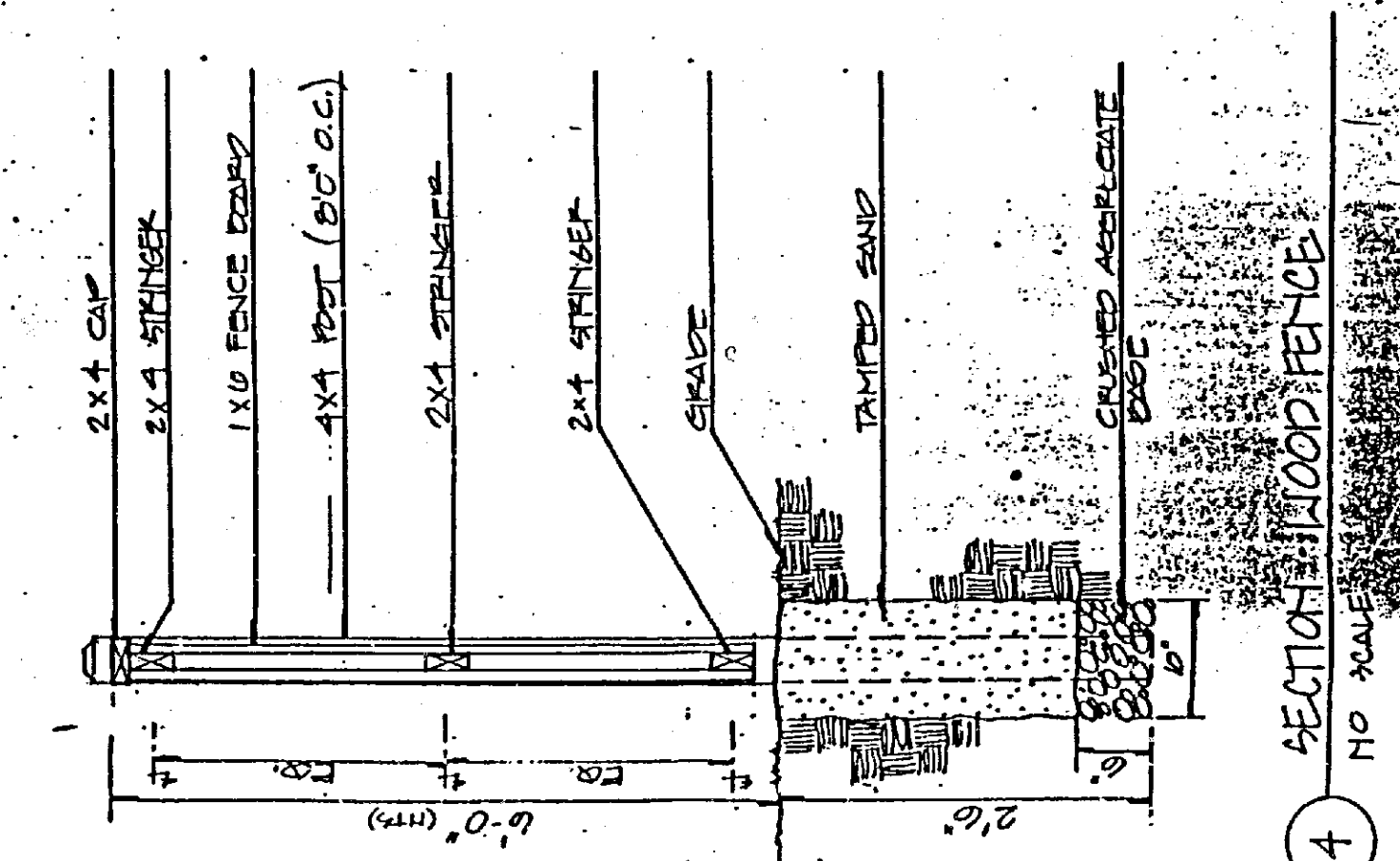
cc: People's Counsel

File

HORIZ. SECTION



5) ELEVATION + PLAN - WOOD FENCE
NO SCALE



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 100 of the County Office Building, at 111 West Chesapeake Avenue in Towson, Maryland 21204, at 1:00 p.m. on March 8, 1990 at 3:00 p.m. The hearing will be held in the presence of the following:

Petitioner for Zoning Variance: Mitchell A. Fishbein, et ux
Case Number: 90-342-A
NE/S of Academy Avenue, 118' SE of c/l of Lantana Drive
602 Academy Avenue
4th Election District
3rd Councilmanic District
Petitioner(s): Mitchell A. Fishbein, et ux
Hearing Date: Thursday, March 8, 1990 at 3:00 p.m.
Variance: To permit a 2.5' side yard setback in lieu of the 11.2' side yard setback required by the Zoning Ordinance.

NOTE: If a party files a "SHOW EMERGENCY" plan in the office of the Zoning Commissioner within the time specified in the notice of hearing, the hearing will be postponed to the next date of the hearing set above.

J. ROBERT HAINES
Zoning Commissioner
Baltimore County
JO 5119 February 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 8, 1990.

THE JEFFERSONIAN,

S. Zerbe Olson
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 8, 1990.

OWINGS MILLS TIMES,

S. Zerbe Olson
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Variance
Petitioner: Mitchell A. Fishbein, et ux
Location of property: NE/S of Academy Avenue, 118' SE of the c/l of Lantana Drive, 602 Academy Avenue
Location of Sign: On front of 602 Academy Avenue
Number of Signs: 1
Date of Posting: 2-16-90
Date of return: 2-16-90
Signed by: J. Z. Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
Account: R-001-6150
Number: No 1645

Date: 3/28/90
PUBLIC HEARING FEES: 017
080 - POSTING SIGNS / ADVERTISEMENTS: 17
LAST NAME OF OWNER: FISHBIEIN
TOTAL: \$177.50

Cashier Validation: 8 8 110 *****25414 2065F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
Account: R-001-6150
Number: No 818

Date: 12/28/89
PUBLIC HEARING FEES: 017
010 - ZONING VARIANCE (APL): 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: FISHBIEIN

Cashier Validation: 8 8 110 *****35,616 277-F
Please make checks payable to: Baltimore County